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**UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
Plaintiff,	)	
	)	Case No. A-01-378 Civil (RRB)
v.	)	
	)	
<b>CLARENCE ABELDGAARD,</b>	)	<b>MAY 14, 2007 STATUS REPORT AND</b>
<b>OCEANVIEW ENTERPRISES, INC.,</b>	)	<b>REQUEST TO CONTINUE STAY OF</b>
<b>CLOYD MOSER and MODEB</b>	)	<b>PROCEEDINGS AGAINST</b>
<b>INVESTMENTS,</b>	)	<b>GERALDINE BARLING</b>
	)	
Defendants.	)	
	)	

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Plaintiff United States of America ("United States") hereby submits this May 14, 2007

Status Report and Request to Continue Stay of Proceedings Against Geraldine Barling (“Status Report”) in accordance with this Court’s April 11, 2007 Order Continuing Stay of Proceedings Against Geraldine Barling (Docket No. 171), which required that a status report be filed by this date if a consent decree had not yet been lodged. The United States states as follows:

1. As previously reported to the Court, the United States and Ms. Barling took part in a settlement meeting in Anchorage, Alaska on February 28, 2007. During that meeting, representatives of the United States and Ms. Barling reached a proposed agreement. On March 12, 2007, counsel for Ms. Barling informed counsel for the United States that Ms. Barling had agreed to the terms of a proposed consent decree. The United States also reported that it was in the process of finalizing the proposed consent decree and seeking the required approvals of it.<sup>1/</sup>

2. Over the past two months, counsel for the United States has continued to make the changes required to finalize the consent decree. In addition, the approval process at EPA and at the Department of Justice have moved forward substantially.<sup>2/</sup> Further, undersigned counsel received a letter today from counsel for Ms. Barling reporting that a fire had occurred at a house owned by Mr. Abeldgaard and/or Ms. Barling on April 23, 2007. Counsel for the United States

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<sup>1/</sup> As with all such potential settlements, the proposed consent decree requires formal review and approval at EPA as well as at the Department of Justice. Formal approval from officials with settlement authority is required before the United States can execute such a settlement, and changes may need to be made at the request of those officials. Therefore, before a proposed consent decree may be lodged with the Court, the documents must be finalized and formally approved by EPA and the Department of Justice.

<sup>2/</sup> As previously reported, those efforts were delayed somewhat by the birth of a child to undersigned counsel on April 2, 2007. While undersigned counsel remains officially on parenting leave, other personnel at the Department of Justice and EPA have sought to finalize the proposed consent decree and to obtain signatures from the required government officials on the decree.

will contact counsel for Ms. Barling shortly to discuss this issue.

3. Therefore, the United States requests that the stay of proceedings against Ms. Barling be continued to May 29, 2007 or until a consent decree is lodged with the Court, whichever is sooner. The United States further proposes that, if a consent decree has not been lodged by May 29, 2007, a status report be filed by May 29, 2007 that addresses the status of the case and suggests further proceedings. A proposed order is being filed contemporaneously with this Status Report.

Respectfully submitted,

MATTHEW J. McKEOWN  
Acting Assistant Attorney General  
Environment and Natural Resources Division  
UNITED STATES DEPARTMENT OF JUSTICE

/s/ Mark A. Nitczynski

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CERTIFICATE OF SERVICE

I, Mark A. Nitzynski, certify that on this May 14, 2007, I caused to be filed electronically the foregoing MAY 14, 2007 STATUS REPORT AND REQUEST TO CONTINUE STAY OF PROCEEDINGS AGAINST GERALDINE BARLING (along with the [PROPOSED] ORDER CONTINUING STAY OF PROCEEDINGS AGAINST GERALDINE BARLING) with the Clerk of Court using the CM/ECF system, which sends a Notice of Electronic Filing to Darryl L. Thompson (counsel for Defendant Geraldine Barling), and that I caused hard copies of the foregoing to be served by United States mail on the following persons:

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*Pro Se*

/s/ Mark A. Nitzynski  
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